

IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH  
IN AND FOR UTAH COUNTY

2-4  
No. 2888Civil.

PROVO RESERVOIR COMPANY,  
a corporation,

Plaintiff,

vs.

PROVO CITY, Et al,

Defendant,

MOTION TO MODIFY DECISION.

Comes now the defendant, John M. Huber, as Administrator of the estate of John Huber, deceased, and moves the Honourable Court above named to modify the Decision rendered herein on November 26, 1917, as follows:

1. That the Court add to said Decision a paragraph to be known as 43A, to read as follows:

That Defendant, John M. Huber as administrator of the estate of John Huber, deceased, is the owner of .733 second feet of primary or low water for the irrigation of 44 acres of land, said water to be diverted from the waters of Snake Creek, a tributary of Provo River, separate and apart from the waters of the Midway Irrigation Company, a defendant herein, and that said John M. Huber is entitled to high or flood waters to irrigate said 44 acres of land situated in Section 21, T. 3 South Range 4 East S. L. M., under the same ratio and duty as set forth herein in paragraph 43.

And that said John M. Huber, as administrator of the estate of John Huber, deceased, is entitled to sufficient of the high or flood waters of Pine or White Pine Creek, a tributary of Snake Creek and Provo River, to irrigate 15 acres of land situated in Section 22, Township 3 South, Range 4 East of the Salt Lake

Meridian, said lands belonging to the estate of John Huber, deceased. Said high or flood waters to be used each and every year until such time as the water commissioner shall give notice to dis-continue the use of such waters.

This Motion is based upon the files and records herein, and is made for the reason that the water rights belonging to the estate of John Huber, deceased, as represented by the defendant, John M. Huber, administrator as aforesaid, were inadvertently omitted from said Decision and for the reason that there was evidence introduced proving the rights as set forth herein, and the same were not contested in any manner.

Respectfully submitted.

Chase Hatch

Attorney for Defendants.

Due and legal service hereof is hereby accepted this Sixth day of December, 1917.

Alfred L. Booth

Of Counsel for Plaintiff.

2888  
IN DIST. COURT  
UTAH CO., UTAH.  
\* FILED \*

DEC 7 '1917

*L. E. Huse*  
*J. R. Bruchley*